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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID REYNAGA-VALENZUELA,

Defendant.

Case No. 2:18-cr-240-KJD-GWF

**STIPULATION TO CONTINUE
PRETRIAL MOTIONS**

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, Esq., United States Attorney, and Robert Knief, Esq., Assistant United States Attorney, and Kristine M. Kuzemka, Esq., counsel for Defendant, DAVID REYNAGA-VALENZUELA, that the Pretrial Motions deadline as to DAVID REYNAGA-VALENZUELA, currently set for September 15, 2018, be vacated and continued to a date and time convenient to this Court but no earlier than twenty (20) days.

This Stipulation is entered for the following reasons:

1. Counsel for the Defendant spoke with DAVID REYNAGA-VALENZUELA and he has not objection to the request for continuance;
2. As indicated below, counsel for the United States has no objection to the request for continuance;
3. Defense counsel was appointed to the above-referenced matter on July 26, 2018 and received discovery on August 21, 2018;
4. Defense counsel will need additional time to properly review the discovery in the above-referenced matter to determine whether any pretrial motions are required;

- 1 5. The additional time requested herein is not sought for the purposes of delay, but to allow
2 counsel for Defendant DAVID REYNAGA-VALENZUELA sufficient time to effectively
3 and thoroughly research, prepare, and determine the most appropriate defense strategy,
4 including, whether any pretrial motions need to be filed;
5 6. Denial of this request for continuance could result in a miscarriage of justice;
6 7. This if the first request for a continuance filed herein.

7 WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a
8 continuance of the Pretrial Motions deadline as to DAVID REYNAGA-VALENZUELA of at least
9 twenty (20) days.

10 DATED this 29th day of August, 2018.

11
12 /s//ROBERT KNIEF
13 ROBERT KNIEF, ESQ.
14 Assistant United States Attorney
15 Counsel for the United State

12 /s//KRISTINE M. KUZEMKA
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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DAVID REYNAGA-VALENZUELA,

15 Defendant.

Case No. 2:18-cr-240-KJD-GWF

**FINDING OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

16 **FINDINGS OF FACT**

17 Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court
18 finds that:

- 19 1. Counsel for the Defendant spoke with 2 DAVID REYNAGA-VALENZUELA and he has
20 not objection to the request for continuance;
- 21 2. As indicated below, counsel for the United States has no objection to the request for
22 continuance;
- 23 3. Defense counsel was appointed to the above-referenced matter on July 26, 2018 and
24 received discovery on August 21, 2018;
- 25 4. Defense counsel will need additional time to properly review the discovery in the above-
26 referenced matter to determine whether any pretrial motions are required;
- 27 5. The additional time requested herein is not sought for the purposes of delay, but to allow
28 counsel for Defendant DAVID REYNAGA-VALENZUELA sufficient time to effectively

1 and thoroughly research, prepare, and determine the most appropriate defense strategy,
2 including, whether any pretrial motions need to be filed;

3 6. Denial of this request for continuance could result in a miscarriage of justice;

4 7. This if the first request for a continuance filed herein.

5 **CONCLUSION OF LAW**

6 The ends of justice served by granting said continuance outweigh the best interest of the public,
7 since the failure to grant said continuance would be likely to result in a miscarriage of justice, would
8 deny the parties herein sufficient time and the opportunity within which to be able to effectively and
9 thoroughly prepare for trial, taking into account the exercise of due diligence.

10 The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States
11 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A) considering the
12 factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

13 **ORDER**

14 IT IS HEREBY ORDERED that the Pretrial Motions Deadline as to DAVID REYNAGA-
15 VALENZUELA currently scheduled for September 15, 2018, be continued to October 5,
16 2018.

17 IT IS HEREBY ORDERED that the government shall have to and including
18 October 19, 2018, within which to file any and all responsive pleadings.

19 IT IS HEREBY ORDERED that the defendants shall have to and including
20 November 5, 2018, within which to file any and all replies to the pretrial motions.

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24 **UNITED STATES MAGISTRATE JUDGE
GEORGE W. FOLEY**

25 DATED: August 31, 2018
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